

DOCKET NO: 224569US25SD



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

SUJIAN HUANG ET AL.

: GROUP DIRECTOR: PETER WONG
TECHNICAL CENTER 2100

SERIAL NO: 09/635,116

RECEIVED

FILED: AUGUST 09,2000

OCT 28 2003

FOR: METHOD FOR SIMULATING
DRILLING OF ROLLER CONE BITS AND
ITS APPLICATION TO ROLLER CONE
BIT DESIGN AND PERFORMANCE

Technology Center 2100

HALLIBURTON'S REQUEST FOR RECONSIDERATION OF GROUP DIRECTOR
WONG'S DECISION MAILED OCTOBER 09, 2003

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In his decision on Halliburton's petition to withdraw Smith's application from issue under 37 CFR 1.313, Group Director Wong acknowledged that "The USPTO is authorized to withdraw an application from issue after the payment of the issue fee for interference," citing 37 CFR 1.313(b)(4). However, he declined to initiate proceedings to do so on the ground that:

Interference is defined as "a proceeding instituted in the Patent and Trademark Office before the Board to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention." See 37 CFR § 1.601(i). As no interference has been declared to date, the conditions of 37 CFR § 1.313(b) have not been met....

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Application N . 09/635,116
Request for Reconsideration

With respect, it is pointed out, that if the interference had been declared, ex parte prosecution, including the administrative steps leading to issuance of a patent to Smith, would have been suspended pursuant to 37 CFR 1.615(a). Accordingly, 37 CFR 1.313(b)(4)'s reference to withdrawing an application from issue "For interference" inherently means withdrawing the application from issue prior to declaration of the interference--that is, it refers to sending the application to the board so that both the target application (in this case, the Smith application) and the targeting application (in this case, the Halliburton application) can be referred to an APJ, who will then decide whether or not to declare an interference.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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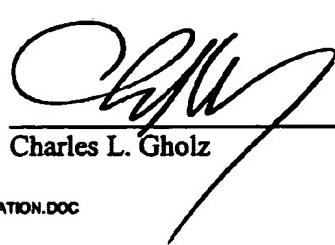
CERTIFICATE OF SERVICE

This is to certify that one copy of the foregoing is being sent by means of pdf

addressed to:

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Dated: 16 Oct 03


Charles L. Gholz

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Docket No.: 224569US25SD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 09/635,116

Applicants: SUJIAN HUANG ET AL.

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Technical Center: 2100

Group PETER WONG

Director:

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Technology Center 2100

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR RECONSIDERATION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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